

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 17-cv-779-jdp

J & R GROWERS, LLC, RICHARD J.
RASMUSSEN, and JEANNIE RAE
CARLSTROM,

Defendants.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above-captioned matter having come before the Court to be heard, Honorable James D. Peterson, United States District Judge for the Western District of Wisconsin, presiding without a jury, on January 16, 2018, the Plaintiff, United States of America ("Plaintiff"), having appeared by its attorney, the Office of the United States Attorney for the Western District of Wisconsin, and no appearance having been made on behalf of the Defendants herein except as may be noted on the record; and it appearing by the Declaration of Barbara L. Oswald, Assistant United States Attorney, Office of the United States Attorney, on file herein, that Defendants are in default; and it further appearing that due notice of the Application for Judgment by Default has been made to the Defendants, and that a Certificate of Service was filed with the Clerk of the United States District Court for the Western District of Wisconsin; and the Court having

heard arguments from Plaintiff's counsel, therefore makes and files the following Findings of Fact and Conclusions of Law constituting its decision in this action.

FINDINGS OF FACT

1. The allegations set forth in Plaintiff's complaint are proven true.
2. There is now due and unpaid on all Notes and Mortgages as of January 16, 2018, the following sums: See Attachment A.
3. No proceedings have been had at law or otherwise for the recovery of the sum secured by said Notes and Mortgages.

4. The mortgaged premises are described as follows:

That part of the Southwest Quarter of the Southwest Quarter of Section 20, Township 36 North, Range 19 West (in the Town of Sterling), Polk County, Wisconsin, described as follows: Commencing at the Southwest corner of said Section 20; thence North, assumed bearing, along the West line of said Southwest Quarter of the Southwest Quarter, 400 feet to the Northwest corner of that parcel of land described in Volume 659, Page 445, of Deeds and the point of beginning; thence, leaving said West line, East, along the North line of said parcel of land described in Volume 659, Page 445 of Deeds, and along the Easterly extension of said North line 490.7 feet; thence, leaving said North line and said Easterly extension of the North line, North, parallel with the West line of said Southwest Quarter of the Southwest Quarter, 888.3 feet to the South line of the North 30 feet of said Southwest Quarter of the Southwest Quarter; thence West, along the South line of said North 30 feet, 490.7 feet to the West line of said Southwest Quarter of the Southwest Quarter; thence, leaving the South line of the North 30 feet of said Southwest Quarter of the Southwest Quarter, South, along said West line, 887.7 feet to the point of beginning; Now known as: Lot 1 of Certified Survey Map No. 5707, Volume 25, Page 184, located in the Southwest Quarter of the Southwest Quarter of Section 20, Township 36 North, Range 19 West (in the Town of Sterling), Polk County, Wisconsin.

Tax Key No.: 046-00470-1000

5. The real estate is so situated that it cannot be sold in parcels without injury to the interest of the parties, and a sale of the whole will be more beneficial to the parties hereto.

6. Notice of the pendency of this action was duly given on November 13, 2017, after the filing of the Complaint herein, by filing a Notice of Lis Pendens in the office of the Register of Deeds for Polk County, Wisconsin. This was done in the manner and form required by law, after the filing of the complaint herein, and more than twenty (20) days prior to the trial or other resolution of this action.

7. The Defendants have not served an Answer or other response and the Clerk of Court has duly entered the default of said Defendants.

CONCLUSIONS OF LAW

1. Plaintiff is entitled to judgment of foreclosure and sale of the mortgaged premises in the usual form, as requested in Plaintiff's Complaint, and in accordance with the above Findings of Fact.

2. Plaintiff is entitled to recover from the Defendants the following sum: See Attachment A.

3. The Defendants subsequent to the filing of the notice of the pendency of this action be and hereby are forever barred and foreclosed of all right, title, interest, claim and equity of redemption in the mortgaged premises.

4. The mortgaged premises shall be sold as a whole.

5. That if necessary to secure possession of the premises, the Clerk of Court, upon application by Plaintiff, shall issue a Writ of Assistance.

6. The Defendants shall not be granted a right of redemption.

7. Sale of the premises shall be conducted by or under the direction of the United States Marshal for the Western District of Wisconsin. Notice of the sale shall be made by publication in the Inter-County Leader, a newspaper published in the City of Frederic, Polk County, Wisconsin.

8. Proceeds from the sale of the subject premises shall be paid first to satisfy Defendants' debt to the United States as set forth in Attachment A, plus necessary costs and disbursements.

9. Any remaining proceeds from the sale of the subject premises shall be subject to further order of the Court.

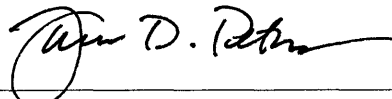
10. Deficiency judgment is not being sought in this action.

Now, on application of Plaintiff United States of America,

IT IS THEREFORE ORDERED that foreclosure of said mortgage in the usual form as provided by and in accordance with the above Findings of Fact and Conclusions of Law be entered in this action.

Dated this 16TH day of JANUARY, 2018.

BY THE COURT:



JAMES D. PETERSON
United States District Judge

United States v. J & R Growers, LLC, et al.

Case No. 17-cv-779-jdp

ATTACHMENT A

Notes and Mortgages

a.	Principal as of January 16, 2018	\$521,382.72
b.	Interest as of January 16, 2018	<u>\$ 53,565.38</u>
	Total as of January 16, 2018	<u>\$574,948.10</u>

Costs and Disbursements

c.	Filing of Notice of Lis Pendens	<u>\$ 36.00</u>
	Total Costs & Disbursements	<u>\$ 36.00</u>

TOTAL AS OF JANUARY 16, 2018	<u>\$574,984.10</u>
------------------------------	---------------------